

LP 5265 US
Serial No. 10/718,483

REMARKS

In response to the January 25, 2006 Office Action, please reconsider the above-identified application in view of the amendments and following remarks. Claims 1-3 and 8-10 are pending. Claim 1 has been amended to clarify that the bicomponent yarns are present only in the warp, and claim 8 has been amended to make it consistent with the amendment made to claim 1. Claims 4 and 6 have been canceled. Claims 5 and 7 were cancelled previously. Claim 10 is newly presented. Support for the subject matter of claim 10 is found *inter alia* in the specification at page 2, lines 20-25.

Double Patenting Rejection

The Examiner has rejected claims 1-4, 6, 8, and 9 over claims 1, 2, 5 and 6 of U.S. Patent 6,782,923 based on non-statutory obviousness-type double patenting. The Examiner asserts that the conflicting claims are not patentably distinct from each other and admits that '923 patent teaches that the bicomponent yarns are located in the weft and not in the warp, as presently claimed in this application. Claim 1 has been amended to make clear that in the present invention the bicomponent yarns are located in the warp.

The '923 patent teaches *an entire fabric* that comprises about 5 wt % to about 25 wt % bicomponent filament. The present invention requires that 15 wt % to 55 wt % of *the warp yarns* are polyester bicomponent continuous filaments. The examiner equates the wt % values without regard to the fact that the '923 patent relates to the amount of bicomponent fiber in a fabric, while the present invention relates to the amount of bicomponent continuous filaments that are present solely in the warp yarns. Applicant respectfully maintains that the claimed range of percentage of bicomponent yarns by weight of the warp yarns is not a variable that one of ordinary skill in that art at the time

LP 5265 US
Serial No. 10/718,483

of the invention could have determined through routine experimentation. The claimed invention can provide warp-stretch fabrics with unexpectedly high stretch and recovery properties despite comprising low levels of certain polyester bicomponent filaments in the warp yarn (page 1, lines 32-35, page 10 lines 7-9). The '923 patent fails to teach or suggest this inventive concept.

Conclusion

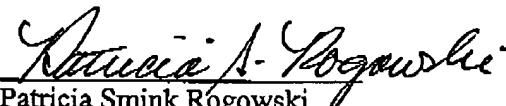
In view of the foregoing, the rejection should be withdrawn and all pending claims should be allowed.

If prosecution may be further advanced, Examiner is invited to telephone the undersigned to discuss this application.

Enclosed is a Petition for a One-Month Extension of Time, along with a Fee Transmittal. No other fees are believed due with the re-submission of this Amendment. If there are any fees due in connection with the re-submission of this Amendment, such as a fee for a further extension of time, please charge the fees to Deposit Account No. 03-2775.

Dated May 25, 2006

Respectfully submitted,


Patricia Smink Rogowski
Reg. No. 33,791
Connolly Bove Lodge & Hutz LLP
P.O. Box 2207
1007 N. Orange Street
Wilmington, DE 19899
(302) 658-9141
Attorney for Applicants

Enclosure

Petition for One-Month Extension of Time